

THE ASSEMBLY

8 December 2010

REPORT OF THE ACTING CHIEF EXECUTIVE

Title: Council Constitution	For Decision
<p data-bbox="148 488 309 521">Summary:</p> <p data-bbox="148 560 1437 779">Part B, Article 2 (The Assembly) paragraph 8, of the Council's Constitution authorises the Assembly to agree changes to the Constitution and associated rules, codes, protocols and schemes relating to the way in which the Council operates. It is standard practice that the Constitution is reviewed annually by the Assembly. However, changes required due to new and/or emerging legislation, best practice or to uphold good decision making principles will be reported throughout the year, as necessary.</p> <p data-bbox="148 817 1198 851">The proposed changes to the Constitution can be summarised as follows:</p> <p data-bbox="148 889 699 922">Part B (Articles - Political Structure)</p> <p data-bbox="148 960 544 994">Article 2 – The Assembly:</p> <p data-bbox="197 1032 1430 1142">The appointment of Corporate Directors will be an Assembly responsibility to bring it in line with the existing arrangements for the appointment of the Chief Executive (see reference to Part C, Section A, paragraph (i) below).</p> <p data-bbox="197 1180 1426 1290">Removal of the procedure for petitions in relation to both the Assembly (Article 2) and Select Committees (Article 5C), on the basis it would be more appropriate to sit on the Council's website in order to improve public accessibility.</p> <p data-bbox="197 1328 1442 1583">Under the provisions of the Local Democracy, Economic Development and Construction Act 2009 all local authorities were obliged to introduce a local Petition Scheme effective from April this year, with additional provision for an e-petitioning facility to be effective from 15 December 2010. When the current scheme was adopted by the Assembly in February this year the Council reserved the right to amend it at any time including reviewing the thresholds for the submission of a petition once the regulations allowing for e-petitioning became effective.</p> <p data-bbox="197 1621 1426 1765">Under the terms of the current scheme, all petitions containing 100 or more signatures from different households can be presented for debate at the Assembly and a similar number where the petition calls a senior officer to account before a Scrutiny Select Committee.</p> <p data-bbox="197 1803 1437 2056">Taking into account the maximum thresholds set down in Regulations (5% of the total electorate), and having regard to best practice across other Borough schemes, it is proposed to apply limits of a minimum 1% and 0.5% of the total borough electorate (i.e. names on the electoral register) as at 1 December each year for petitions presented to the Assembly and Select Committees, which equates to approximately 1200 and 600 signatures respectively. The differential in percentages reflects the nature of petitions in so far as those presented to the Assembly are likely to have wider implications for</p>	

the Borough, as opposed to petitions presented to a Scrutiny Select Committee involving an individual senior officer giving evidence on a specific service area. So as not to prohibit members debating smaller scale petitions, it is additionally recommended that the new higher thresholds should only apply to e-petitions, thereby leaving the traditional paper based petitions at the lower threshold of 100 names from different addresses.

Article 6A – The Development Control Board

New wording to reflect the proposed establishment of a Panel to review delegated decisions (see Part C, Section I below).

Part C (Scheme of Delegation)

- **Section A – The Assembly.** Amendment to the list of Assembly delegations as follows:
 - (i) in future the JNC Appointments Panels will only short list candidates to the position of Corporate Directors, with final appointments being an Assembly responsibility to bring it in line with the existing arrangements for the appointment of the Chief Executive; and
 - (ii) approving the Treasury Policy Statement, Annual Strategy Statement and the Annual Report as well as any related Treasury documents (see reference to Part D below).
- **Section I – Development Control Board.** As part of a need to realise efficiency savings in the Regeneration and Economic Service, it is necessary to improve the effectiveness of the Development Control Board by ensuring that Members “add value” to all planning applications that come before the Board.

As part of a benchmarking exercise and in line with a national review of the planning application process, the Board have reviewed its current Scheme of Delegation as set out in the Constitution to ensure that only those applications that warrant Members’ consideration are presented for a decision.

To ensure the effectiveness and suitability of the proposed delegation changes, the Board have also recommended establishing a Panel consisting of four Board Members, including the Chair and Deputy Chair, to select and review on an annual basis a random sample of delegated decisions on a range of applications.

Part D – Financial Rules

Proposed changes around reporting requirements brought about by new legislation and subsequent revisions to the CIPFA Code of Practice to deal with Treasury Management.

The Assembly is asked to note that Part D (Rules), specifically the Council’s Financial Regulatory Framework (contract guidance, rules, code of practice and financial rules) continue to be the subject of an ongoing comprehensive review, and it anticipated that the results of that review will be reported for approval at the next meeting in February 2011.

Part E (Members/Employee Protocol)

New wording to provide greater clarity in relation to complaints, allegations or criticisms of Members and officers.

In addition to the above, a number of minor administrative changes including changes to organisational structures have/are being made under the authority of the Acting Chief Executive in accordance with Part H, paragraph 2.1 of the Council Constitution.

Attached at Appendix A is a schedule of the changes requiring approval of the Assembly, as they will appear in the Constitution.

Subject to the Assembly's approval the relevant pages containing the changes, including the administrative changes, will be updated on the Council's website.

Wards Affected: All**Recommendations:**

That the Assembly agree:

1. the proposed changes to the Council Constitution to take immediate effect; and
2. the thresholds for e petitions as a minimum of 1% of the total borough electorate as at 1 December each year for petitions to the Assembly and 0.5% for those to Select Committees.

Reason:

To ensure that the Council's decision making accords with the principles of decision making as set out in Article 11 of the Council's Constitution.

Implications:

Legal –The Local Government Act 2000 requires Councils to produce, maintain and regularly review the Constitution document which sets out the rules, codes, protocols and schemes by which the Council operates.

Financial - No specific implications

Contractual - No specific implications

Risk Management - Any delays in updating the Constitution puts at risk the normal functions and business of the Council being conducted in an effective, efficient and lawful manner.

Staffing - No specific implications

Customer Impact - No specific implications

Safeguarding Children - No specific implications

Crime and Disorder - No specific implications

Property/Assets - No specific implications

Options appraisal - Not applicable

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Consultees:

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Background papers used in the preparation of this report:

Council Constitution